



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

November 16, 2011

Ms. Angel Boruff
Donald Boruff Family LLC
2480 Basin Street SW #56
Ephrata, WA 98823

Dear Ms. Boruff:

Re: Acceptance for Temporary Donation of Ground Water Certificate G3-26483C

The purpose of this letter is to acknowledge Department of Ecology's acceptance of your donation to the Washington State Trust Water Rights Program (TWRP). The trust water right has been assigned the control number CG3-26483C. Please refer to that number when corresponding with us about this trust water right.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 600 gallons per minute and 210 acre-feet per year, and for 60 acres. The purpose of the donation is to benefit the ground water aquifer in Grant County, Washington, from December 1, 2011 to May 1, 2013.

This trust water right expires on May 1, 2013.

The parent water right, G3-26483C, authorized the withdrawal of 600 gallons per minute, up to 210 acre-feet per year for the irrigation of 60 acres during the irrigation season. The recorded place of use is located within the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the W $\frac{3}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 26, T. 21 N., R. 24 E.W.M.

Section 90.42.080 provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights Program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purposes.

Your water right is a Family Farm Water Act (FFWA) water right as defined under Chapter 90.66 RCW. The FFWA does not provide explicit authority for Ecology to accept water rights via the donation process as described under the trust water right statutes of Chapters 90.38 or 90.42 RCW. However, Ecology will accept a FFWA water right via donation into the TWRP with disclosure that certain legal risks to the future validity of your water right may exist. The primary risk could be relinquishment should a court proceeding determine that your water right was not legally able to qualify for trust status as defined under the Family Farm Act or the trust water right statutes.

Absent a court ruling to the contrary, Ecology will view FFWA water rights donated to the TWRP as beneficially used and not subject to relinquishment consistent with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215. Ecology is willing to work with FFWA water right holders on a case-by-case basis to determine whether options exist to reduce or eliminate this legal risk.

If, prior to expiration of your donation, you elect to extend the term of this temporary donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request of any new or modified terms and conditions and you will be notified if the donation can be extended.

If you have questions or concerns, please call Ying Fu at (509) 324-3451.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

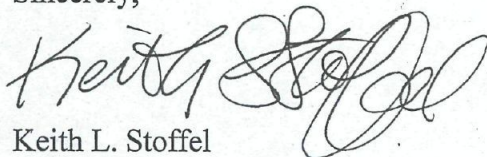
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Ms. Angel Boruff
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Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser> .*

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS:YF:ka

Enclosure: *Your Right to Be Heard*

By Certified Mail 7010 0290 0002 5455 6954

cc: Ying Fu, Ecology/ERO
Scott M. Kane/Attorney
Chris Anderson, Ecology/HQ

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(Domestic Mail Only; No Insurance Coverage Provided)

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11-16-11

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Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

MS. ANGEL BORUFF
DONALD BORUFF FAMILY LLC
2480 BASIN STREET SW #56
EPHRATA, WA 98823

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS. ANGEL BORUFF
DONALD BORUFF FAMILY LLC
2480 BASIN STREET SW #56
EPHRATA, WA 98823

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Angel Boruff* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Angel A Boruff *11/18/11*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from)

7010 0290 0002 5455 6954

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540